

Introduced: Mr. Putens  
1<sup>st</sup> Reading: September 10, 2007  
Passed: September 24, 2007  
Posted: September 25, 2007  
Effective: October 4, 2007

## ORDINANCE NUMBER 1292

AN ORDINANCE TO AMEND CHAPTER 11, "MOTOR VEHICLES AND TRAFFIC," ARTICLE III, "STOPPING, STANDING, AND PARKING," OF THE GREENBELT CITY CODE FOR THE PURPOSES OF INCREASING ENFORCEMENT REGARDING OUT-OF-STATE REGISTRATION; CLARIFYING IMPROPER STORAGE OF VEHICLES THAT ARE INOPERATIVE, UNLICENSED, DELINQUENT, OR NOT DISPLAYING PROPER REGISTRATION; AND ESTABLISHING ADDITIONAL REQUIREMENTS FOR VEHICLE IMMOBILIZATION

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WHEREAS, it has been determined that a number of revisions to the City Code on parking are needed to address problems of illegal parking and improper registration; and

WHEREAS, it has further been determined that several penalties should be increased and that the conditions allowing vehicle immobilization ("booting") should be expanded to further deter improper parking and storage. NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Greenbelt, Maryland, that Article III, Chapter 11, be amended to read as follows:

### **Chapter 11 MOTOR VEHICLES AND TRAFFIC**

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### **ARTICLE III. STOPPING, STANDING, AND PARKING**

#### **Sec. 11-36. Citation of violators and penalty.**

(a) With reference to the violation of regulations enumerated in this chapter, a police officer or parking enforcement officer shall be authorized to issue to the owner or operator of a vehicle or by attaching to the vehicle in question, if unattended, a notice of violation or failure to comply with the provisions of this chapter. The fine for violations of this chapter shall be forty dollars (\$40.00), except that with the following exceptions. ~~†~~The fine for violations of handicapped parking regulations established by subsections (1)o. and (2)o. of section 11-39 shall be two hundred fifty dollars (\$250.00). ~~and †~~The fine for violations of restrictions on parking in a fire lane or obstructing a fire hydrant shall be one hundred dollars (\$100.00), unless otherwise provided. The fine for violations of section 11-42 shall be one hundred dollars (\$100.00). The fine for violations of section 11-49 shall be two hundred eighty dollars (\$280.00).

(b) The notice of violation shall notify the owner or operator to pay the fine to the city within fifteen (15) days from the time of the violation or noncompliance appearing on the notice and further notify such owner or operator that if the fine is paid to the city within such time, no action will be taken to prosecute such owner or operator for the violation of or noncompliance with the provisions of this chapter; otherwise a warrant will be issued in due course subjecting him or her to the penalties provided.

~~(b c)~~ (c) If the owner or operator receiving the notice desires to stand trial for such offense, he or she may elect to do so by notifying the city of his or her intention to stand trial at least five (5) days prior to the payment date set forth in the citation. At the time the notice of intention to stand trial is given, the person receiving the citation must also notify the city that he or she desires the presence at such trial of the officer who issued the citation; otherwise it shall not be necessary that the officer appear, and the copy of the citation bearing the certification of the officer shall be prima facie evidence of the matter therein set forth. Failure of the person receiving the citation to pay the appropriate fine within fifteen (15) days or file a notice of intention to stand trial will subject the violator to an additional fine of ten dollars (\$10.00), and failure of the person receiving the citation to pay the appropriate fine within thirty (30) days or file a notice of intention to stand trial will subject the violator to an additional fine of twenty-five dollars (\$25.00). The city will also notify the state motor vehicle administration, who shall refuse registration or transfer of registration of the subject vehicle until notified by the city that the charge has been satisfied.

(e d) Such notices of violation shall be numbered serially and each copy of each notice shall bear corresponding serial numbers. All blank reports issued shall be accounted for by the respective police officer. A record of each notice of violation issued shall be maintained by the police department, together with information as to its final disposition, either through payment of a fine or by the issuance of warrant or the taking of other action.

(d e) It is the intent of this section to provide an aid to the strict enforcement of this chapter without imposing an undue burden upon offenders and shall be construed as a method of enforcement in addition and independent of the other methods provided by law and this chapter.

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**Sec. 11-38.1. Delinquent vehicles, mMultiple parking violations; vehicle immobilization device and penalty.**

(a) Any unattended vehicle found parked upon any street, alley or public parking lot within the city may be immobilized by a vehicle immobilization device, commonly referred to as a "boot," by any agent so authorized, if the city has in its files information that the vehicle has three (3) or more citations for which the appropriate fine has not been paid, or if three (3) or more citations have been issued for the same violation of this chapter within seven (7) consecutive days. If the make of the vehicle is such that it will not allow the correct connection or proper use of the immobilization device then the vehicle may be impounded in lieu of immobilization.

(b) A vehicle immobilization device (boot) shall be removed from a vehicle or ~~or an~~ impound release form issued only upon payment of the appropriate fine for all parking violation

notices which that vehicle has received, along with any late fees which have attached to those violations in accordance with section 11-36 of this chapter; and, if applicable, upon payment of an additional boot fee of ~~thirty five dollars (\$35.00)~~ one hundred dollars (\$100.00) to defray the city's cost of installing, removing and maintaining the boot.

(c) The city shall not be liable for any damage to the motor vehicle by the placement of the vehicle immobilization device on such motor vehicle or its removal. The city further shall not be liable for any damage to such motor vehicle due to the actions of the owner or any other person attempting to remove the device or operate such motor vehicle with such device attached.

(d) If a vehicle of any kind or character is found wrecked, abandoned, or parked in violation of any law of the state, including registration, on any street, alley, parking lot, or roadway within the city, such vehicle may be immobilized using a vehicle immobilization device.

(e) A vehicle that has already been booted may be towed if any of the following circumstances exist:

- (1) The owner has not made arrangements with the city to secure the removal of the boot within 48 hours after its installation; or
- (2) In any zone where parking is prohibited during certain hours, the vehicle remains immobilized until the commencement of the restricted hours.

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#### **Sec. 11-45. Storage of vehicles, etc. generally.**

~~It shall be unlawful for any person to store any dismantled, inoperative or unlicensed vehicle of every kind and description upon residentially or commercially zoned property in the city for a period of time longer than forty eight (48) hours after such vehicle first became dismantled or inoperative, unless such vehicle is stored in an enclosed garage or there is issued a current and valid use and occupancy permit for the property upon which such dismantled or inoperative vehicles are stored, allowing for the storage of dismantled or inoperative vehicles in a commercial zone only.~~

No vehicle of any kind or description which is dismantled or inoperative, or for which registration is expired, suspended, revoked or has not been obtained as required by city or state law, may be stored upon residentially or commercially zoned property in the city unless it is stored in an enclosed garage or unless there is issued a current and valid use and occupancy permit for said property that allows for the storage of dismantled or inoperative vehicles in a commercial zone only.

#### **Sec. 11-46. Inoperative, unlicensed, etc., vehicles.**

~~———— No person shall park or store any unlicensed, inoperative or disabled vehicle on any public street, alley, parking lot or roadway.~~

No person shall park or store on any public street, alley, parking lot or roadway in the city any inoperative or disabled vehicle, or any vehicle for which registration is expired, suspended, revoked, or has not been obtained as required by city or state law.

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**Sec. 11-49. Out-of-state ~~R~~egistration of vehicles.**

A person may not leave parked a vehicle that is in violation of Maryland Motor Vehicle Law with reference to out-of-state ~~vehicles subject to~~ registration. ~~Violation of this section shall be deemed a municipal infraction punishable by a two hundred seventy dollar (\$270.00) fine.~~ Each day that such a violation continues shall constitute a separate offense.

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PASSED by the Council of the City of Greenbelt, Maryland, at its regular meeting of September 24, 2007.

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Judith F. Davis, Mayor

ATTEST:

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Kathleen Gallagher, City Clerk

Key:

Underscoring indicates language added to existing law.

~~Overstriking~~ indicates language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.